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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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| In the Matter of | ) | |
| Amendment of Parts 13 and 80 of the Commission's Rules concerning Maritime Communications | ) | WT Docket No. 00-48 |

To: The Commission

# COMMENTS OF MARITEL, INC.

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August 23, 2000

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## SUMMARY

Maritel, Inc. ("Maritel") urges the Commission to adopt rules in this proceeding to further promote the parity of the VHF Public Coast ("VPC") radio service with other commercial mobile radio services ("CMRS"), and to streamline the regulations governing VPC licensees' operations. In particular, Maritel urges the Commission to adopt the following proposals:

- The FCC should harmonize the Part 80 regulations governing communications related to the safety of life. Maritel requests that the FCC also amend its regulations to provide that distress calls originating on Channel 70 are automatically switched to other frequency assignments. Further, Maritel recommends revisions to the FCC's regulations governing the Channel 16 "safety watch." Finally, Maritel urges the Commission to extend to VPC licensees the same federal protections related to state law 9-1-1 emergency dialing regulatory schemes that are offered to other CMRS providers.

- Maritel recommends that the FCC amend its regulations to more precisely account for VPC licensees' ability to employ those frequency assignments that are 12.5 kHz "offset" from regularly-assignable channels. Maritel also urges the Commission to reallocate nine frequency pairs for VPC operations that are already dedicated for maritime use on an international basis. Maritel proposes a plan that would implement such a reallocation with minimal impact on current users of those nine frequency pairs. Finally, Maritel requests that the Commission amend its rules to permit the Coast Guard and VPC licensee to specify two frequency pairs for federal safety use without regard to whether those channels are offset or on current 25 kHz channel centers.

- Maritel requests that the agency amend its technical regulations to promote licensee flexibility and parity with other CMRS providers. For example, Maritel urges the Commission to (i) liberalize its emission mask requirements and emission designator codes; (ii) permit Maritel to engage in unattended operations of non-DSC transmitters; and (iii) liberalize the FCC's station identification requirements applicable to VPC licensees.

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## COMMENTS OF MARITEL, INC.

Maritel, Inc. ("Maritel")[1] by its counsel and pursuant to the provisions of Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.415 (1999), hereby submits its comments responsive to the above-captioned *Notice of Proposed Rule Making* ("*Notice*").[2] The *Notice* proposes to consolidate, revise and streamline the Commission's Rules governing maritime communications pursuant to requests from the National GMDSS Implementation Task Force ("GMDSS Task Force") and Globe Wireless, Inc. ("Globe Wireless").

## I. Background

Maritel is the largest provider of VHF public coast station services in the United States. Its current operations consist of stations throughout most of the coastal United States and U.S. inland waterways each interconnected to Maritel's control switching office located in Gulfport, Mississippi. Maritel actively participated in the FCC's auction of VHF Public Coast ("VPC") station licenses, and

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1 Maritel was formerly known as WJG Maritel Corporation and participated in FCC rulemaking proceedings as such. Any references to Maritel herein are to Maritel, or its predecessor in interest, as appropriate.

2 The FCC extended the deadline for the submission of comments and reply comments in this proceeding to August 23, 2000 and September 21, 2000 respectively. See *In the Matter of Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications*, WT Docket 00-48, Order Extending Comment and Reply Comment Period, Released July 21, 2000.

was the winning bidder for nine regional licenses. Maritel is in the initial stages of building a North American VPC network that will offer advanced telecommunications services on a cost-effective basis. Upon completion of its VPC network, Maritel will be able to provide state of the art, seamless maritime communications services in all U.S. coastal areas and major inland waterways.

Maritel's operations are governed, in large measure, by Part 80 of the FCC's rules. Accordingly, Maritel applauds the FCC's efforts to amend its rules to incorporate current international standards and recommendations for GMDSS, and welcomes the opportunity to recommend changes to improve the operational ability of all users of marine radios and remove unnecessary and duplicative requirements from the Commission's Rules. As a VPC licensee, many of the regulations that are the subject of the *Notice* are not directly applicable to Maritel. Maritel has, accordingly, limited the following comments to matters that directly affect VPC licensees. Nevertheless, and pursuant to the Commission's invitation[3], Maritel offers other proposals that affect Part 80 of the FCC's rules and that are in the public interest.

## II. Comments[4]

### A. Distress Communications

Harmonization of Rules Regarding Distress Communications- Many of the changes proposed by the *Notice* affect safety communications, specifying actions that ships or coast stations should take in distress situations. Because of the implementation of digital selective calling ("DSC") techniques, among other reasons, the FCC is required to revisit those regulations. Nevertheless, Maritel believes that the current organization of rules concerning safety communications is unnecessarily confusing and should be consolidated.

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3 *Notice* at ¶44.

4 Maritel has not organized its comments in the same fashion as the *Notice* is organized. Areas about which Maritel is concerned affect different FCC rule sections. Accordingly, Maritel presents its concerns by topic, not by Part 80 Subpart.

Subpart W of Part 80 applies, by its terms, to all public coast stations, coast earth stations, passenger ships and cargo ships of 300 tons and upward. Sections 80.1109-80.1135 all generally address safety and distress related communications by entities subject to Part W. However, Subpart G of Part 80 specifies similar procedures. Maritel proposes that there be one set of rules that specify the actions that should occur in safety and distress communications. Maritel believes that Subpart W should appropriately contain the regulations governing an entity's responsibility for responding to distress communications on channel 70, insofar as they may be different from responsibilities for responding to distress communications on channel 16. However, because Maritel assumes that, even in a DSC environment, distress communications will occur on channel 16, or the distress channel otherwise designated by the Coast Guard (being switched there from channel 70), a unified set of rules for distress communications should exist.

Further, Maritel proposes that the distribution and/or sale of non-DSC capable VHF radios be prohibited after the U.S. Coast Guard has declared that at least a meaningful portion of Sea Area A1 has been built.[5] The FCC's rules currently, and as would be amended by the *Notice*, require vessels to carry DSC compatible equipment.[6] However, the FCC's regulations should also impose an affirmative obligation on equipment manufacturers as well. Such a requirement will expedite the proliferation of DSC compatible radios and allow better communication among ships and between ship and shore stations.

Pre-emption of Inconsistent State and Local Distress Communications Obligations- The Commission should recognize the unique nature of the maritime VPC service in its revised Part 80 regulations pertaining to distress communications by pre-empting inconsistent state regulations and

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5 Maritel proposes that the Coast Guard make such a declaration when four or more VPC areas are DSC ready.

6 See *In the Matter of Amendment of the Commission's Rules Regarding Maritime Communications*, PR Docket 92-257, Second Report and Order and Second Further Notice of Proposed Rulemaking, Released June 26, 1997, 12 FCC Rcd. 16949, ¶ 32.

policies relating to the provision of 9-1-1 emergency calling services. As a "telecommunications" service provider, Maritel is subject to potential regulation by state public utility commissions and state laws relating to 9-1-1 services. In Illinois, for example, Maritel is at least arguably covered by the Wireless Emergency Telephone Safety Act ("WETSA"), which provides that, among other things:

- all FCC-licensed commercial mobile radio service ("CMRS") providers are covered by WETSA, whether or not covered by the FCC's 9-1-1 policies codified at rule section 20.18; and
- 9-1-1 is the designated emergency telephone number for wireless systems.

*Wireless Emergency Telephone Safety Act*, P.A. 91-660, effective Dec. 22, 1999.

WETSA illustrates the circumstances faced by Maritel as a VPC licensee. There is no question but that Maritel must comply with its federally-mandated Part 80 obligations relating to distress communications. However, by doing so, Maritel may, through no fault of its own, violate state or local 9-1-1 call processing or similar policies that are inconsistent with federal law. Accordingly, the Commission should expressly state that its revised Part 80 regulations constitute VPC licensees' sole obligation with respect to emergency communications, thus pre-empting inconsistent state and local regulations.

Liability for Handling Distress Communications- In 1999, Congress enacted the Wireless Communications and Public Safety Act of 1999 ("WCPSA"), extending to many wireless carriers the same state law shield against liability (where applicable) generally provided to wireline carriers in the delivery of 9-1-1 services. *Wireless Communications and Public Safety Act of 1999*, Pub. L. No. 106-81, enacted Oct. 26, 1999. WCPSA, however, is unclear whether a Part 80 CMRS provider such as Maritel is covered by that extension of the state liability protections that may otherwise be available to wireline carriers. In this proceeding, the Commission should further implement and clarify Congress's intent by extending the same liability protection to VPC licensees as specified in

WPCSA. The relief already provided to some CMRS providers should not be denied others that perform even more critical and demanding safety functions.

Regulations Regarding Automatic Switching of Distress Calls- The FCC's rules specify the procedures for initiating distress communications in a DSC environment by indicating that such calls be originated on channel 70. However, once communication is established between a boater in distress and either another vessel or the Coast Guard, communication will not occur on channel 70, which is a signaling channel only. Maritel believes that it is in the public interest for DSC transceivers to automatically switch from channel 70 to the designated distress channel once communication is established between a vessel in distress and a responding entity. In particular, an acknowledgement by a responding entity would automatically cause switching of the distress communications to another channel. Under Maritel's proposal, an operator would still be able to manually switch the radio to channel 16 or any other designated voice distress channel. However, if manual switching did not occur, the radio would automatically be switched.

Safety Watch on Channel 16- Currently, Section 80.303 requires coast stations in the 156-162 MHz band to maintain a safety watch on Channel 16 continuously during its hours of operation, unless exempted. Maritel recommends that Section 80.303 be rewritten to require that geographic area coast station licensees maintain the capability to conduct a watch only upon reasonable request from the Coast Guard. As the Commission is aware, geographic area VPC licensees have been issued authorizations that allow them to provide coverage to thousands of miles of coastal waters and inland waterways. Moreover, geographic area VPC licensees are permitted to relocate their facilities in most instances without prior notification to the FCC. In addition, geographic area VPC licensees are not required to construct their station facilities until five years after the initial license grant.[7] Accordingly, the application of Section 80.303 to geographic area VPC licensees is

[7] See 47 C.F.R. § 80.49(a)(1).

inconsistent with the overall regulatory scheme applicable to geographic area VPC licensees. Nevertheless, and as noted below, Maritel recognizes that the watch and distress response requirements imposed on it by the FCC's rules makes it unique among CMRS licensees. Accordingly, Maritel suggests that the Commission amend its regulations so that geographic area VPC licensees are required to retain the watch requirement only: 1) after the licensee's construction requirement has passed or a licensee has actually constructed facilities in an area; and 2) the licensee receives written notification from the Coast Guard that a watch requirement should be maintained. In order to facilitate the foregoing, Maritel recommends that, upon reasonable request from the Coast Guard, geographic area licensees provide the Coast Guard with a list of sites and frequencies in operation in a particular area, and any planned changes (within the upcoming ninety days) to the geographic area licensee's operations. Maritel recommends that the current rules remain unchanged for site specific incumbent licensees.

Acknowledgement by Designated Coast Stations- The current and proposed versions of Section 80.103(c) refer to responses to DSC distress calls by "designated coast stations." The definition of a designated coast station is unclear, and it is not apparent which entity would make the designation. Maritel expects that the FCC intends that the Coast Guard, or an entity designated by the Coast Guard, would be the designated coast station. In any case, Maritel notes that no coast stations of which it is aware (either those operated by Maritel or the Coast Guard) are capable of responding to DSC calls at this time. Accordingly, Maritel suggests that the obligation imposed by Section 80.103 become effective only after the determination that Sea Area A-1 is operational. In that regard, Maritel notes that the FCC's rules and the *Notice* presume the recognition, by some entity, of the operational status of Sea Area A1, but do not state the entity that is expected to engage in such recognition. Maritel expects the Coast Guard will determine the operational status of Sea

Area A1, and communicate this information to the FCC. If this is the case, it should be stated in the rules.

### B. Frequency Assignments

The FCC seeks comment on whether there should be revisions to the rules set forth in Subpart H, governing Frequencies. Maritel proposes the following changes:

Specification of 12.5 kHz Channels- The FCC has permitted VPC station licensees to operate on "offset" channel centers under certain conditions.[8] However, there are no regulations designed to accommodate this ability. For example, Subpart H does not contain any reference to the offset channels. Accordingly, operation on 12.5 kHz channels, while envisioned by Section 80.371(c)(iii) of the regulations, cannot occur because the Commission's rules do not permit the operation of transmitters capable of operating on offset channel centers. Similarly, rules relating to emission masks and occupied bandwidth have not been amended to consider 12.5 kHz channels. Maritel envisions operating with 12.5 kHz bandwidth on the channel centers identified in the current regulations as well as on the offset channels. However, those rules also do not envision such "narrowband" operations. Maritel notes that the Commission has permitted the operation of 12.5 kHz channels in Part 90 of its rules. Maritel recommends that the Commission include the specific offset channels authorized for operation in its table of frequencies accompanying Section 80.371(c). In addition, Maritel recommends that the Commission include, in Part 80, the occupied bandwidth, emission mask and related regulations that are contained in Part 90 that govern the operation of stations that employ 12.5 kHz channels that are both offset from current channel centers and that will operate on current channel assignments.

Use of Additional Frequency Assignments- The boating public's ability to enjoy advanced communications technology is limited by the lack of spectrum available domestically for public coast

[8] See 47 C.F.R. § 80.371(c)(iii).

station operations. For example, in 1998 the commercial maritime industry employed in excess of 13 million people, and more than 78 million Americans participated in recreational boating activities in 1997, using 16 million boats, and research shows that there is a substantial unmet demand for communications services by each of these industry segments.

However, for outdated historical reasons, there are significantly fewer channels available for VPC operations in the United States than there are in other countries with less demand for boating services. Accordingly, Maritel recommends that the FCC reallocate certain channels, already designated on an international basis for public correspondence use, for VPC stations on a domestic basis. Attached hereto, as **Exhibit A**, is a list of frequency assignments that Maritel requests be reallocated for use by public coast station licensees.[9] Each of the channels contained on **Exhibit A** is allocated internationally for public coast station operations (or is offset by 12.5 kHz from an internationally designated public coast station channel). **Exhibit A** also specifies the current domestic designation of those frequency assignments, or the nearest frequency assignment designated for domestic use and its service designation.

Maritel recognizes that each of the frequency assignments specified in **Exhibit A** are designated for use in, or immediately adjacent to, another service. However, Maritel believes that its proposal will have a minimal impact on the Part 90 radio services in which these frequency assignments are currently allocated.[10] First, with respect to the Part 90 Public Safety pool frequency assignments, the FCC has already made available 24 MHz of new spectrum available in the 746-806

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[9] Maritel expects that licenses for these frequencies would be auctioned in the same fashion as the initial auction of VPC licenses. Maritel believes it would also serve the public interest to "grandfather" incumbent users so that their pre-existing operations are protected from harmful interference from newly-authorized VPC licensees. Alternatively, the Commission could adopt a transition period, at the conclusion of which incumbent licensees' operations would become secondary to VPC use. The Commission recently adopted a similar 10-year transition scheme in its recent IB Docket No. 98-172 decision to allocate certain portions of the 18 GHz band (18.58 - 18.8 GHz) from terrestrial to satellite uses.

[10] In order to promote the maximum use of the specified frequency assignments, Maritel requests that the FCC immediately freeze the further licensing of these channels.

MHz band. See *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010*, First Report and Order and Third Notice of Proposed Rule Making, WT Docket No. 96-86, FCC 98-191 (1998). Further, many public safety licensees operating Part 90 systems are migrating to higher frequency bands to enjoy the benefits of more sophisticated handsets and related technology.[11] The remaining Part 90 private mobile radio services have also benefited from the allocation of additional spectrum since the initial allocation of these 156-162 MHz frequency assignments. For example, since that time, the FCC has allocated the 800 and 900 MHz bands for Part 90 uses, as well as portions of the UHF band in locations where spectrum shortages are the most severe. By contrast, the maritime community has had no new spectrum allocations for many years.

Second, Maritel has designed the MariNet system, its nationwide VPC station network in a manner that will employ frequency assignments that are not in use by any other entity. Attached as **Exhibit C** is a description of the manner in which the MariNet system can employ frequency assignments allocated for other services without making those channels unavailable to those other services at any time.

Finally, the Commission's reallocation of these frequency assignments would promote harmonization of the United States' allocation of VHF maritime spectrum with international standards. See ITU Radio Regulations, Appendix 18. In this proceeding, the Commission has already agreed with the concept that its regulations should conform to international standards, *Notice* at ¶ 24, and its reallocation of these VHF frequency assignments would be consistent with its

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11 By way of example, Maritel searched the FCC's computerized licensing database to determine the extent of licensing on the three Part 90 public safety frequency assignments specified in **Exhibit A**. Those searches, which are attached as **Exhibit B**, reveal that public safety licensing on these channels is extremely light. For example, on frequency assignment 156.1875 MHz, Maritel only found two users in the entire United States – one in Georgia and one in New York. Maritel expects that those public safety channels adjacent to the frequency assignments specified in **Exhibit A** are similarly situated. Based on the foregoing, the FCC should take steps to reallocate the spectrum for maritime use.

previous proposals in its PR Docket No. 92-257 rule making proceeding. *Notice of Proposed Rule Making and Notice of Inquiry*, 7 FCC Rcd 7870, ¶ 29 (1992).

Maritel/Coast Guard Agreements- Section 80.371(c)(3) of the rules envisions that Maritel and the Coast Guard will enter into an agreement regarding the Coast Guard's use of "two narrowband channel pairs offset 12.5 kHz" from the 25 kHz wide channels specified in the regulations. The rules envision that these "set aside" channels will be employed by the Coast Guard in connection with a Ports and Waterways Safety System ("PAWSS"). Maritel and the Coast Guard have begun good faith negotiations designed to identify channels, otherwise designated for VPC operations, which can be made available for PAWSS. However, it is likely that the Agreement between Maritel and Coast Guard will specify use of "non-offset" channels. Accordingly, Maritel requests that the FCC amend its regulations to provide it and the Coast Guard additional flexibility to enter into an agreement that does not comport precisely with the current wording of Section 80.371(c)(3). Favorable FCC action on this matter will simply recognize that the Coast Guard and Maritel are jointly in the best position to assess which VPC frequency assignments will best serve the goals of PAWSS.

### C. Technical and Operational Matters

Emission Masks and Designators for Data Services- Currently, the Commission's rules do not accommodate the full range of data services that may be provided by VPC licensees. Accordingly, the rules should be amended to permit any recognized data transmission. As noted above, Maritel recommends that the Commission adopt, for use in Part 80, the emission mask requirements now applicable to transmitters accepted for use in Part 90. Maritel suggests that any emission mode be permitted in Part 80 so long as the applicable emission mask limits are satisfied. Because the VPC service envisions the exclusive use of channels in a geographic area by one operator, the FCC need only be concerned about adjacent channel interference issues (as opposed to

compatible uses of the same channels in the same geographic area). Appropriate emission mask specification will ensure that such adjacent channel interference will not occur.

Unattended Operations- Section 80.179 currently permits DSC transmitters to operate unattended. As noted above, the MariNet system will be a DSC-based network. Nevertheless, Maritel continues to operate non-DSC systems, and may continue to do so in the future. Maritel urges the Commission to amend the regulations so that non-DSC systems also be permitted to operate unattended, so long as licensee has the ability to remotely terminate operations of that transmitter. Maritel can remotely control transmitters and terminate their use from a distant site. Under these circumstances, it appears unnecessary to maintain personnel at the transmitter site.

Station Identification- Proposed Section 80.102(e) requires station identification of VPC licenses. This requirement is unnecessary for geographic area licensees for several reasons. First, the Commission has eliminated and streamlined its rules governing station identification requirements for CMRS licensees operating in Commission-defined service areas and licensees operating trunked systems.[12] For instance, the FCC rules sections governing Personal Communications Services ("PCS") do not include station identification requirements. The rationale behind the Commission's recent decisions is the Commission's ability, in the case where a single licensee is authorized to employ a particular channel or band, to identify that licensee. Maritel recognizes that, in some VPC regions, it might operate with incumbent licensees. However, in order to afford Maritel (and any other geographic area VPC licensee) the benefit of rules applicable to other CMRS licensees, Maritel recommends that only incumbent, site specific licensees be required to engage in station identification. In this manner, the FCC or other competent authority will always be able to assume that the use of a particular VPC frequency assignment will occur by the geographic area licensee, unless the site-specific licensee identifies itself. Moreover, in the case of

12 See *In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act*, GN Docket 93-252, Memorandum Opinion and Order on Reconsideration, Released April 7, 2000, 15 FCCRcd. 6341, ¶ 13-14.

any entity transmitting DSC, identification will automatically be transmitted. In the case of coast stations, the unique coast station identification will be transmitted. Accordingly, based on the existence of this additional identification tool, no station identification requirements are necessary for geographic area coast station licensees.

### D. Miscellaneous Issues

Untarriffed Services- Section 80.95(a)(1) requires that public coast stations maintain tariffs on file with the Commission. In the CMRS Second Report and Order[13] the Commission found that because competition in the CMRS market for domestic services would ensure reasonable rates, enforcement of the tariff requirements was unnecessary for entities providing domestic CMRS. The Commission also adopted permissive detariffing for CMRS providers serving international routes where the carrier is not affiliated with a foreign carrier.[14] Therefore, Maritel recommends that this rule be changed accordingly to comport with the FCC's decisions, so that there need be no tariffs on file for domestic services, and no tariffs on file for any international services, unless the affected carrier is affiliated with a foreign carrier.

FCC Address- Section 80.371(c)(1)(ii), which specifies the location where the public can view maps of Economic Areas ("EAs") and VHF Public Coast Service Areas ("VPCSAs"), should be corrected to reflect the FCC's current address.

Station Documents- The rules in Subpart I specify the requirements for maintenance and display of station documents. These requirements (at least in the depth covered by Subpart I) are not imposed on other CMRS licensees. While Maritel recognizes that its obligation to provide the watch and distress related services specified in the rules make it unique among CMRS providers, the

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13 See *In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act*, GN Docket 93-252, Second Report and Order, Released March 7, 1994, 9 FCC Rcd. at 1478-79, ¶ 174-75.

14 See *Personal Communications Industry Association's Broadband Personal Communications Services Alliance's Petition for Forbearance for Broadband Personal Communications Services*, WT Docket No. 98-100, Memorandum

Commission should attempt to conform the regulations in Subpart I to those applicable to other CMRS providers, to the extent practicable. Maritel's use of the MariNet system will, as a matter of course, provide an electronic record of all of the data elements now specified for retention in the rules. Accordingly, at a minimum, the FCC should permit station documents to be maintained electronically at a licensee's primary office or available to the FCC via secured access to its Internet web site. The rules should also recognize that automatic logging that may occur in a DSC compatible system such as the MariNet may be capable of satisfying all of the FCC's requirements for data retention.

The rules also contain license posting requirements. Particularly because Maritel has a single license covering potentially hundreds of transmitter sites, this requirement is impractical. Maritel suggests that any posting requirements be limited to a document identifying the FCC licensee, where the station license is maintained, and a telephone number of a representative of the licensee that may be contacted to answer any questions regarding the operation of the particular transmitter.

Discontinuance of Service- Section 80.471 states that a public coast station may not discontinue service without permission from the FCC. This requirement is inconsistent with actions taken with respect to other CMRS licensees, where the FCC has determined that it should not impose Section 214 termination requirements on CMRS providers.[15] Accordingly, based on actions the Commission has already taken, Maritel believes the rule should be eliminated. Maritel recognizes that Section 80.303, even if amended, will impose a watch requirement on VPC licensees. However, the apparent conflict between a commercial licensee's right to discontinue service and its obligations under the watch requirements should be resolved in favor of permitting a licensee to discontinue service. Nevertheless, in any case where a licensee will be discontinuing service, and

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Opinion and Order and Notice of Proposed Rulemaking, Released October 2, 1998, 13 FCC Rcd. 16857 at ¶ 57.

such licensee is providing a watch under Section 80.303, the licensee should be required to notify the Coast Guard 30 days in advance of such discontinuance.[16]

Elimination of Subpart Q- The FCC seeks comments on its tentative conclusion that Subpart Q (Compulsory Radiotelegraph Installations for Vessels 1600 Gross Tons, Sections 80.801-80.836) be deleted with the exception of Section 80.825 dealing with radar installation requirements. Maritel agrees with this conclusion that, with the exception of 80.825, Subpart Q should be eliminated.

Elimination of Subpart R- The FCC seeks comments on its tentative conclusion that Subpart R (Compulsory Radiotelephone Installations for Vessels 300 Gross Tons, Sections 80.851-80.879) be deleted with the exception of Section 80.879 dealing with radar requirements. Maritel agrees with this conclusion that, with the exception of 80.879, and conditioned upon full implementation of GMDSS, Subpart R should be eliminated.

Subpart U- Maritel further notes that vessels required to comply with GMDSS requirements are also subject to the Bridge to Bridge Act. Accordingly, Maritel believes that once the Coast Guard declares Sea Area A-1 operational, making GMDSS requirements mandatory, Subpart U may be redundant.

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15 See *In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act*, GN Docket 93-252, Second Report and Order, Released March 7, 1994, 9 FCC Rcd. at 1510-11, ¶ 272.

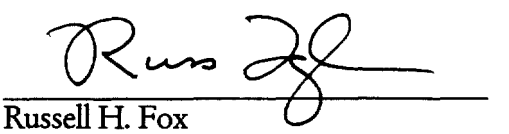
16 As noted above, Maritel suggests that there be a watch requirement for incumbent licensees, and a watch requirement, only on notice from the Coast Guard, for geographic area licensees. Accordingly, under this formulation, incumbent licensees would be required to provide notice when they discontinued service, and a geographic area licensee would provide notice when it discontinued service at a site where the Coast Guard had directed it to maintain a watch.

## III. Conclusion

Maritel urges the Commission to consider the foregoing comments and act in a manner consistent with the recommendations made herein.

**Respectfully submitted,**

**Maritel, Inc.**

By: 

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August 23, 2000

DC01/339451.5

A

Maritel, Inc.

List Of 156-162 MHz Frequency Assignments For Which Re-Allocation Is Sought

| Pair No. | Frequency Assignment | Current FCC Allocation | Rule | Lower Adjacent Channel | Offset Amount (khz) | Lower Adjacent Channel Allocation | Upper Adjacent Channel | Offset Amount (kHz) | Upper Adjacent Channel Allocation |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 156.0375 | Part 90 Public Safety | 90.20 | N/A | N/A | N/A | N/A | N/A | N/A |
| | 160.6375 | None | N/A | 160.6350 | -2.5 | Part 90 Bus/Indus. | 160.6425 | 5 | Part 90 Bus/Indus. |
| 2 | 156.0625 | None | N/A | 156.0600 | -2.5 | Part 90 Public Safety | 156.0675 | 5 | Part 90 Public Safety |
| | 160.6625 | None | N/A | 160.6575 | -5 | Part 90 Bus/Indus. | 160.6650 | 2.5 | Part 90 Bus/Indus. |
| 3 | 156.0875 | None | N/A | 156.0825 | -5 | Part 90 Public Safety | 156.0900 | 2.5 | Part 90 Public Safety |
| | 160.6875 | Part 90 Business / Industrial | 90.35 | N/A | N/A | N/A | N/A | N/A | N/A |
| 4 | 156.1125 | Part 90 Public Safety | 90.20 | N/A | N/A | N/A | N/A | N/A | N/A |
| | 160.7125 | None | N/A | 160.7100 | -2.5 | Part 90 Bus/Indus. | 160.7175 | 5 | Part 90 Bus/Indus. |
| 5 | 156.1375 | None | N/A | 156.1350 | -2.5 | Part 90 Public Safety | 156.1425 | 5 | Part 90 Public Safety |
| | 160.7375 | None | N/A | 160.7325 | -5 | Part 90 Bus/Indus. | 160.7400 | 2.5 | Part 90 Bus/Indus. |
| 6 | 156.1625 | None | N/A | 156.1575 | -5 | Part 90 Public Safety | 156.1650 | 2.5 | Part 90 Public Safety |
| | 160.7625 | Part 90 Business / Industrial | 90.35 | N/A | N/A | N/A | N/A | N/A | N/A |
| 7 | 156.1875 | Part 90 Public Safety | 90.20 | N/A | N/A | N/A | N/A | N/A | N/A |
| | 160.7875 | None | N/A | 160.7850 | -2.5 | Part 90 Bus/Indus. | 160.7925 | 5 | Part 90 Bus/Indus. |
| 8 | 156.2125 | None | N/A | 156.2100 | -2.5 | Part 90 Public Safety | 156.2175 | 5 | Part 90 Public Safety |
| | 160.8125 | None | N/A | 160.8075 | -5 | Part 90 Bus/Indus. | 160.8150 | 2.5 | Part 90 Bus/Indus. |
| 9 | 156.2375 | None | N/A | 156.2325 | -5 | Part 90 Public Safety | 156.2400 | 2.5 | Part 90 Public Safety |
| | 160.8375 | Part 90 Business / Industrial | 90.35 | N/A | N/A | N/A | N/A | N/A | N/A |

B

156.1875 MHz In The United States; As of August 21, 2000

| FREQUENCY | CALLSIGN | LICENSEE | XMIT_CITY | XMIT_STATE | XMIT_LAT | XMIT_LONG |
|---|---|---|---|---|---|---|
| 156.18750000 | WPNV597 | CANAJOHARIE, TOWN OF | CANAJOHARIE | NY | 425036 | 0743644 |
| 156.18750000 | WPNV597 | CANAJOHARIE, TOWN OF | CANAJOHARIE | NY | 425036 | 0743644 |
| 156.18750000 | WYC618 | DADE, COUNTY OF | TRENTON | GA | 345311 | 0852713 |
| 156.18750000 | WYC618 | DADE, COUNTY OF | TRENTON | GA | 345311 | 0852713 |
| 156.18750000 | WYC618 | DADE, COUNTY OF | TRENTON | GA | 345210 | 0853045 |

156.1125 MHz In The United States; As of August 21, 2000

| FREQUENCY | CALLSIGN | RADIO_SERV | LICENSEE | XMIT_CITY | XMIT_STATE | XMIT_LAT | XMIT_LONG |
|---|---|---|---|---|---|---|---|
| 156.11250000 | KAV330 | PW | OKLAHOMA, STATE OF | SALLISAW | OK | 353645 | 0943935 |
| 156.11250000 | KAV340 | PW | OKLAHOMA, STATE OF | TEMPLE | OK | 341840 | 0981340 |
| 156.11250000 | KBM69 | PW | OKLAHOMA, STATE OF | ANTLERS | OK | 341143 | 0953714 |
| 156.11250000 | KBM70 | PH | OKLAHOMA, STATE OF | ADA | OK | 344752 | 0964413 |
| 156.11250000 | KBM71 | PW | OKLAHOMA, STATE OF | CLINTON | OK | 352900 | 0985815 |
| 156.11250000 | KBM74 | PW | OKLAHOMA, STATE OF | BUFFALO | OK | 364949 | 0993833 |
| 156.11250000 | KBP773 | PW | OKLAHOMA, STATE OF | | OK | | |
| 156.11250000 | KBP87 | PW | OKLAHOMA, STATE OF | MUSKOGEE | OK | 354348 | 0952357 |
| 156.11250000 | KDF49 | PW | OKLAHOMA, STATE OF | | OK | | |
| 156.11250000 | KE8635 | PW | OKLAHOMA, STATE OF | | OK | | |
| 156.11250000 | KNIJ998 | PW | OKLAHOMA, STATE OF | GUYMON | OK | 364000 | 1012900 |
| 156.11250000 | KNT67 | PW | IOWA, STATE OF | WAPELLO | IA | 411035 | 0911144 |
| 156.11250000 | WCT251 | PW | IOWA, STATE OF | INDEPENDENCE | IA | 422640 | 0915250 |
| 156.11250000 | WNWV529 | PW | TEXAS, STATE OF | WEATHERFORD | TX | 324533 | 0974925 |
| 156.11250000 | WPHN848 | PW | OKLAHOMA, STATE OF | MIAMI | OK | 365940 | 0943716 |
| 156.11250000 | WPHW227 | PW | OKLAHOMA, STATE OF | DURANT | OK | 340145 | 0962230 |
| 156.11250000 | WPHW227 | PW | OKLAHOMA, STATE OF | POTEAU | OK | 350414 | 0924045 |
| 156.11250000 | WPIH803 | PW | OKLAHOMA, STATE OF | SPRINGER | OK | 342205 | 0970805 |
| 156.11250000 | WPKW518 | PW | TEXAS, STATE OF | | TX | | |
| 156.11250000 | WPKW518 | PW | TEXAS, STATE OF | | TX | | |
| 156.11250000 | WPKW518 | PW | TEXAS, STATE OF | | TX | | |
| 156.11250000 | WPMC482 | PW | MINNESOTA, STATE OF | | MN | | |
| 156.11250000 | WPMC482 | PW | MINNESOTA, STATE OF | | MN | | |
| 156.11250000 | WPMX231 | PW | IOWA, STATE OF | | IA | | |
| 156.11250000 | WPPB831 | PW | NORWOOD, TOWN OF | NORWOOD | MA | 421158 | 0711226 |
| 156.11250000 | WPPB831 | PW | NORWOOD, TOWN OF | NORWOOD | MA | 421158 | 0711226 |
| 156.11250000 | WPPV741 | PW | IOWA, STATE OF | | IA | | |
| 156.11250000 | WPQA319 | PW | WEST VIRGINIA, STATE OF | ROMNEY | WV | 391157 | 0784727 |
| 156.11250000 | WPQA319 | PW | WEST VIRGINIA, STATE OF | ROMNEY | WV | 391157 | 0784727 |
| 156.11250000 | WPQA319 | PW | WEST VIRGINIA, STATE OF | MATHIAS | WV | 385450 | 0785344 |
| 156.11250000 | WPQA319 | PW | WEST VIRGINIA, STATE OF | MATHIAS | WV | 385450 | 0785344 |
| 156.11250000 | WPQA319 | PW | WEST VIRGINIA, STATE OF | GREAT CACAPON | WV | 392746 | 0782101 |
| 156.11250000 | WPQA319 | PW | WEST VIRGINIA, STATE OF | GREAT CACAPON | WV | 392746 | 0782101 |
| 156.11250000 | WPQE525 | PW | IOWA, STATE OF | DYERSVILLE | IA | 423028 | 0910640 |
| 156.11250000 | WPQF733 | PW | IOWA, STATE OF | WATERLOO | IA | 422834 | 0922327 |

156.0375 MHz In The United States; As of August 21, 2000

| FREQUENCY | CALLSIGN | RADIO_SERV | LICENSEE | XMIT_CITY | XMIT_STATE | XMIT_LAT | XMIT_LONG |
|---|---|---|---|---|---|---|---|
| 156.03750000 | KDV427 | PW | JOHNSTOWN, CITY OF | JOHNSTOWN | NY | 430024 | 0742213 |
| 156.03750000 | KEV458 | PW | SCOTT, COUNTY OF | FOREST | MS | 322145 | 0892730 |
| 156.03750000 | WPLH757 | PW | WARWICK, CITY OF | | RI | 414207 | 0712828 |
| 156.03750000 | WPMQ713 | PW | TEXAS, STATE OF | | TX | | |
| 156.03750000 | WPPC572 | PW | APACHE JUNCTION, CITY OF | | AZ | 332456 | 1113300 |
| 156.03750000 | WPQE770 | PW | BUCKINGHAM, COUNTY OF | DILLWYN | VA | 373449 | 0782441 |
| 156.03750000 | WPQE770 | PW | BUCKINGHAM, COUNTY OF | | VA | | |

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# Maritel

## MariNET System
## Summary of Channel Management

BACKGROUND:

The VHF Public Correspondence ("VPC") spectrum available to Maritel consists of 25kHz wide and 12.5kHz wide duplex channels. The assignment of these channels is constrained by the current design of the VHF mobile radio receivers, the vast majority of which operate with a receive bandwidth sufficient to require geographic separation between operation of 12.5kHz and adjacent 25kHz channels. National Telecommunications and Information Administration ("NTIA") Paper 97-343 details the results of the combined NTIA and Radio Technical Commission for Maritime Services ("RTCM") testing on this matter. Additionally, the rules of the Federal Communications Commission ("FCC" or "Commission"), require that 12.5kHz channels may only be used by a VPC licensee in geographic areas where the licensee holds a license to operate on, or has secured permission from the licensee of, the adjacent 25kHz channels. Based on these constraints and the known potential for intermodulation and other interference within the allocated spectrum, Maritel designed a proprietary channel management scheme described, in part, below.

CHANNEL MANAGEMENT CONSIDERATION:

The incumbent Public Coast Stations, including those operated by Maritel's legacy operations, relied on the location of individual channels, coordinated by the Commission, to reduce inter-site and inter-operator interference. The licensing of spectrum on a geographic area basis changed this coordination requirement within VPCs. Under the new rules, each VPC licensee is free to locate channels anywhere within the VPC region, provided the location of the channels does not interfere with incumbent operations violate international agreements.

CHANNEL MANAGEMENT SCHEME:

Based on the foregoing technical and regulatory considerations, Maritel elected to develop a more flexible and dynamic channel management scheme. Rather than assign individual channels to each VPC location, Maritel's system design allows every licensed 25kHz and 12.5kHz VPC channel to be operated from every location. To prevent co-channel and adjacent channel interference, the Maritel system uses channel usage, intermodulation studies and vessel position to determine VPC channel assignments for all VPC calls.

In particular, the Maritel system is designed around a TCP/IP over FR/ATM network. This network allows each VPC station to maintain constant communications with all co-coverage stations. Using this communications link, each station is aware of the channel usage in its area of coverage generated from any system site. Additionally, the Maritel system uses a Radio Direction Finding ("RDF") system to determine the presence and source location of frequencies present at the site location. The RDF system further provides the receive signal strength for all channels detected for inclusion in the continuously running intermodulation study to determine the next best channel for assignment for the next call. The RDF system further provides origin line of bearing, which, with data from adjacent sites, provides the necessary origin position to allow, within the guidelines of NTIA Paper 97-343, for adjacent 25kHz and 12.5kHz channel operation. The RDF system also supports the system call management by providing passive tracking of frequency usage to determine when handoff of a call may be necessary or desirable to an adjacent site. The Maritel user database includes profile data for the type of radio installed on each subscriber vessel. Taking advantage of this data and the results of the foregoing, the Maritel system can maximize the assignment and usage of the VPC spectrum.

These features allow the Maritel system to switch calls between sites taking call performance and quality factors into consideration to provide channel availability at sites that would not be available in an individual channel managed scheme. Using these features, the Maritel System is capable of both blocking assignment of channels licensed to an incumbent public coast or other licensee. Additionally, the channel management scheme blocks the operation of frequencies detected to be in current operation. This capability includes usage and RDF detection data from own and adjacent sites.

Utilizing this frequency usage tracking capability the Maritel system can manage the shared usage of channels currently allocated in the United States for land mobile operations that are otherwise available internationally under ITU Appendix S.18 for public correspondence operations. Where these channels are assigned to a fixed location, the system is programmed to inhibit assignment of these channels. Where these channels are mobile in usage, the Maritel system can detect and track usage and inhibit assignment when interference is probable. The Maritel system would inhibit the use of co-channel (either 25 kHz or 12.5 kHz channel center) operations, or land mobile operations that are "offset" from the VPC channel center.

The Commission's rules require any new mobile radio submitted for FCC approval under Part 80 to incorporate Digital Selective Calling ("DSC") compatibility. Using the channel changing capability of DSC, the Maritel system can instruct a channel assignment change where the probability of interference is determined, in advance of any actual interference.

Based on the foregoing, Maritel believes that it can successfully protect any land mobile operations that are either co-channel or adjacent channel to proposed VPC operations if those channels are dedicated for VPC use.

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